

1 scheming mind, and he told you this on the witness
2 stand, he jumped to the conclusion, only knowing
3 that this Willie was a friend, that this man would
4 be raising, disciplining, enjoying his daughter,
5 while he wasn't.

6 And he told you he jumped to that
7 conclusion on the witness stand, under oath this
8 morning. Again, totally wrong. But it shows you
9 the type of person that he is, a very possessive
10 person, a very jealous person, and a very
11 calculating person.

12 Now, as we talked about before, and I
13 asked him this on the witness stand as well. He's
14 going to traffic court the morning of the 18th, and
15 he told you under oath that he thought he was going
16 to get six months in jail. That he was going to do
17 that 180 days, and which are 180 days that he would
18 not get to see Deborah, or Alexis.

19 And that would be 180 days that this
20 Willie, this new power in Ms. Shepherd's life,
21 totally falsified in his mind by him, and played up
22 by him, but he's got himself worked up into a
23 frenzy, and here it is midnight, 1:00, 2:00 in the
24 morning, and he knows at 9 o'clock he's got to be
25 in traffic court and that he's got to do six months

1 in jail. He knows if he doesn't show up for
2 traffic court there will be a capias out and he's
3 going to get picked up by the police. So he's got
4 to go.

5 So that morning is his one opportunity to
6 strike. It's his only chance, because the next six
7 months, the way he thinks, and he told you this,
8 he's going to be locked up, and those are six
9 months that Willie's going to be with this child
10 that he is not going to get to see Deborah and by
11 the time he gets out he's totally out of the
12 picture.

13 Those are his thoughts, and that is what
14 the evidence shows.

15 Now, we know that her apartment was
16 targeted. Now, we know that her door was
17 immediately kicked in. And Mr. Donnett said
18 there's no pictures. Well, I wish there would have
19 been but there aren't. But Officer Proffitt told
20 you that that dead bolt, or that lock was laying on
21 the floor. I don't think there is any question
22 that the door was kicked in because there was a
23 corresponding dent on the outside of the door,
24 which would knock that dead bolt inside.

25 This isn't a sneaky kind of crime where he

1 cuts the screen or picks a lock. This is a school
2 night, it's a Wednesday night, Thursday morning,
3 everybody's going to be home, everybody is going to
4 be asleep in that apartment complex. And he knew
5 that this type of violent act, everybody would
6 hear, a door kicked in, screaming. But he didn't
7 care, because he had a job to do and he almost
8 accomplished it.

9 Now, why did he chose apartment 11?
10 Mr. Donnett says it's a random attack or some kind
11 of ex-boyfriend or boyfriend. Well, it wasn't a
12 random attack by a crazed stabber.

13 He had to go up the steps. He didn't
14 choose Ms. Tidwell, Ms. Flanagan, any other
15 apartment in that whole complex, but he chose her
16 apartment.

17 Deborah Shepherd was targeted by Reginald
18 Allen.

19 Now, after her door was kicked in there
20 was no intent to steal. There was no intent to
21 take anything. But he quickly ran back to her
22 bedroom.

23 And I think a very critical point in this
24 trial is this, is this drawing that Mr. Donnett
25 asked Ms. Shepherd to draw. And I'd really like

1 you to take a close look at this, because this is a
2 long hallway, there is a living room, a dining
3 room, the kids' bedroom, the kids' bathroom,
4 another hallway, and the bedroom.

5 Where did he go? Where did he go straight
6 to? Did he go to the living room? Dining room?
7 Kids' bedroom? Debbie's bedroom? He went straight
8 to Debbie Shepherd's bedroom. The farthest point
9 away in that entire apartment.

10 It wasn't somebody that didn't know the
11 layout of that apartment. It's somebody that had
12 been there, lived there, and knew exactly where
13 she'd be. He didn't have to check the kids'
14 bedroom, the living room, the dining room and go
15 searching around. He went straight back to that
16 bedroom where he knew that Debbie Shepherd would
17 be. He never went to any other room.

18 He attacks her, he flees, and he goes out
19 the back way, because other people looked out the
20 front and he didn't go out the front.

21 If you try to say that Debbie Shepherd is
22 lying, it's so inconceivable and beyond belief,
23 that with this history between the two of them, and
24 that exact same moment somebody else would come in
25 and attack her, it's just crazy.

1 We do not have to prove motive to you in
2 any case, but in this case it's very, very clear
3 that there is a motive. And it's very, very clear
4 that nobody else in the world has a motive to kick
5 in her door and attack her in that rage that he
6 did.

7 Nobody else in the world wanted to do this
8 to Deborah Shepherd except for him. It wasn't one
9 stab, or one hit on the head, it was over and over
10 and over. It was a rage that he perpetrated
11 against her, and she's yelling, Reggie, stop.
12 Reggie, don't do this, and she's staring into his
13 eyes, seeing that knife, that's the terror that she
14 felt.

15 And then you have got Stacey Tidwell
16 saying the words that she screamed. And you have
17 also got Kristen, who's positively identified him
18 as the attacker, positively identified him as the
19 attacker. His alibi is completely worthless.

20 I don't think I have to go through each
21 and every discrepancy, but his father said I think
22 that he went upstairs around 1:30 or so, and took a
23 shower and went to bed. But his mother said that
24 his father and she stayed up until around 2:15,
25 2:30, downstairs together. It is completely

1 different from what the father said.

2 The brother says something different. The
3 father says nothing about the defendant going out
4 at 11:30 or so with somebody else. The brother's
5 times.

6 And Mr. Donnett talked about the brother
7 like you want to hang your hat for what he said,
8 for his alibi. That is completely absurd.

9 Now, Calvin Barrett, the Judge will tell
10 you in his instructions, I believe, that you can
11 believe or disbelieve all or part of a witness's
12 testimony.

13 I think the evidence suggests that Calvin
14 Barrett is being truthful in some of the things
15 that he told you, and untruthful in some of the
16 other things that he told you. But what he does do
17 is tell you that he had a light colored van.

18 Ms. Shepherd said when she looked out her
19 window that a light colored van, that's what she
20 saw. Again, a very critical piece of testimony,
21 his van.

22 He admitted being there. I think the
23 evidence suggests that he was there with Reggie
24 Allen when they knocked on her door. He denies it.
25 He doesn't want to implicate himself in this attack

1 so he is not going to admit that, but what it does
2 is, it totally blows out that alibi, because if you
3 look at State's Exhibit 12, Mr. Barrett was very,
4 very clear, that Reggie Allen came over his house
5 later on that day, around lunch time. I'm on the
6 box. I have to go hook it up now, on the
7 telephone.

8 This will prove what day this all happened
9 on. It's a shame that Alexis, the four year old,
10 had to see her dad stabbing her mom and scream out,
11 daddy, stop.

12 It's a shame that Kristen had to see what
13 she saw. These are things they all have to live
14 with the rest of their lives.

15 And Mr. Donnett said this was a
16 tempestuous relationship. I am not quite sure what
17 that word means, I think it means like stormy, but
18 this wasn't a stormy relationship it was a violent
19 relationship, where he'd attacked her numerous
20 times in the past.

21 I am not here to tell you why a woman or
22 man stays in an abusive relationship. I think a
23 lot of more educated and smarter people than me
24 have tried to research that issue for a long time.
25 And I don't know why, and I don't think anybody

1 knows why they do. But, she did.

2 I think she told you that he's a very good
3 talker, in that he talked her out of pursuing these
4 charges. And it's interesting that he told you
5 that he was concerned, he said, when he heard about
6 this attack, for his daughter. And he cried. And
7 the other kids.

8 But he never told you that he was
9 concerned for Debbie Shepherd, did he? Did he ever
10 go to the hospital? Did he ever try to see her
11 that day? He never did. He was just upset that he
12 didn't finish the job. When his stepdaughter came
13 in the room and saw him doing it he had to leave.

14 Don't let this man talk you out of
15 convicting him just like he talked Debbie Shepherd
16 out of pursuing the prior charges. Find him
17 guilty. Thank you.

18 THE COURT: All right, ladies and
19 gentlemen. Those of you who do not wish to stay
20 you must leave at this time, the Court's about to
21 charge the jury and if you remain you will to
22 remain until the charge is completed. Okay.

23 Okay. Ladies and gentlemen, you have
24 heard the evidence and arguments of counsel. The
25 Court and jury have separate functions. You decide

1 the disputed facts and the Court provides the law
2 whereby you are to deliberate. It is your sworn
3 duty to accept the law as I give it to you.

4 You are not permitted to apply your own
5 concept of what you believe the law should be
6 during your deliberations.

7 A criminal case begins with an indictment
8 that informs the defendant of the charges against
9 him. You may not consider it for any purpose
10 because the defendant has plead not guilty and that
11 places at issue all the essential elements of the
12 offenses that are charged.

13 In this case the defendant is charged with
14 aggravated burglary, two counts of felonious
15 assault, an attempted aggravated murder and
16 domestic violence.

17 In order to find the defendant guilty you
18 must find the State has proved each and every
19 element of each offense beyond a reasonable doubt.

20 If you find the State has failed to prove
21 each and every element of a charge or the charges
22 beyond a reasonable doubt you must find the
23 defendant not guilty.

24 Reasonable doubt is present when, after
25 you have carefully considered and compared all the

1 evidence you cannot say you are firmly convinced of
2 the truth of the charge or the charges.

3 Reasonable doubt is based on reason and
4 common sense. Reasonable doubt is not mere
5 possible doubt because everything in human affairs
6 or depending on moral evidence is open to some
7 possible or imaginary doubt.

8 Proof beyond a reasonable doubt is proof
9 of such a character that an ordinary person would
10 be willing to rely and act upon it in his or her
11 most important affairs.

12 If after a full and impartial
13 consideration of all the evidence you are firmly
14 convinced of the truth of the charge, the State has
15 proven that charge beyond a reasonable doubt.

16 If you are not convinced of the truth of
17 the charge, you must find the defendant not guilty
18 of that charge.

19 In order to make a determination of guilt
20 or innocence you will look to the evidence that was
21 presented in this case. And the evidence is all
22 the testimony received from the witnesses and the
23 exhibits that were admitted.

24 Evidence may be direct or circumstantial
25 or both. Direct evidence is the testimony given by

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been mailed this 20th day of November, 2001, through regular United States Mail with sufficient postage affixed to ensure delivery, to:

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